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HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) No. 4107 of 2007

PETITIONER : Sukhi Ram Yadav Aged 59 Yrs., S/O Shri Bodhiram Yadav, By Post: - Labour (Jal Upbhokta – Shramik) Working as Permanent Gang Man, Mahanadi Water Resources Division, Ruddri, Dhamtari (C.G.), R/O Village – Bhanpuri, Tahsil & Distt. Dhamtari [C.G.]

VERSUS

RESPONDENTS : 1. The State of Chhattisgarh Through the Secretary, Water Resources Department, D.K.S. Mantralaya Bhavan, RAIPUR, Distt. RAIPUR (C.G.)
2. The Executive Engineer, Mahanadi Water Management Project Dam Division no. 02, At Ruddri, Distt.: - Dhamtari (C.G.)
3. The Sub-Divisional Officer, Mahanadi Water Resources Deptt. Sub – Division No. 01, At Ruddri, Distt.: - Dhamtari, (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Single Bench : Hon'ble Justice Shri Satish K. Agnihotri.

Present: Shri Jameel Akhtar Lohani, Advocate for the petitioner.
Smt. Anju Ahuja, Dy. Govt. Advocate for the State/respondents.

ORDER
(Passed on 13th day of July, 2007)

1. Learned counsel appearing for the petitioner submits that the petitioner, who was employed in the year 1977 as daily wage labour in the establishment of respondents No.2 and 3, seeks a relief that the petitioner, being permanent gangman, be retired at the age of 62 years in accordance with the Chhattisgarh Shaskiya Sevak (Adhivarshiki-Ayu) Adhiniyam, 1967 (for short 'the Act, 1967') read with Fundamental Rule 56.

2. According to learned counsel for the petitioner, the petitioner attained the status of permanent employee, as defined under Rule 2(c) of the Chhattisgarh (Workcharged and Contingency Paid Employees) Pension Rules, 1979, framed

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under Article 309 of the Constitution of India. After having attained the status of the permanent employee, the petitioner would retire on attainting the age of 62 years on superannuation under the provisions of the Act, 1967.

3. Learned counsel appearing for the petitioner submits that the case of the petitioner is squarely covered by the decision of this Court passed on 4th January, 2007 in Writ Petition No.108 of 2005 (*Govind* vs. *State of Chhattisgarh and others*) and other connected matters.

4. Learned counsel appearing for the State/respondents does not dispute the submissions made by learned counsel appearing for the petitioner.

5. The respondents are at liberty to consider the facts of the case as to whether the petitioner has completed 15 years of service as gangman. In the event, it is found that the petitioner has completed 15 years of service, the case shall be governed by the decision of this Court in the matter of *Govind* vs. *State of Chhattisgarh and others* (supra).

6. Accordingly, the petitioner, who is permanent gangman, is entitled to retire on attaining the age of 62 years in accordance with the provisions of the Act, 1967.

7. Thus, the writ petition is allowed. No order as to costs.

Sd/-
Satish K.Agnihotri
Judge

Amit